1947

File No. S. Bel 5/47

Legal DEPARTMENT

A BRANCH

Subject:— Suit Belgaum.

Civil Suit No. 488 of 1946

1) Basawant Malleshappa --
Chevadar ---- } Pltff.

Vs

2) The Provincial Government -:- Deft.

Claim Rs. 438-0-0.

L.T.
C Re:—

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B.M. Chevadar . Plff.

V/S.

The Provincial Govt. Deft.

Claim Rs. 438-0-0.

Plaint

~~office note~~

Order of the Court dismissing the suit with costs

Civil Suit No.488 of 1946.

In the Court of the Civil Judge, S.D.,

Belgaum.

1. Basawant Malleshappa Chevadar, Caste Lingayat Occ.Trade and agriculture age-36, of Hanchinal Taluka Parasgad..... Plaintiff

Vs.

1. The Provincial Government..... Defendant.

Claim Rs.438-0-0.

Herein the Plaintiff states as follows :-

1. The Plaintiff was a licensee under the food grain - control order, holding a licence No.P/74 issued by the District Magistrate Belgaum to deal in food grains in the village of Hanchinal Taluka Parasgad According to that licence he was dealing in the food grains in he said village. On 14-3-1944 the price Inspector of the food grains of Parasgad Taluka made a search in the plaintiff's shop and got attached the articles mentioned in the schedule. The plaintiff was prosecuted for not writing the account in the ledger book under clause 3 of the food grain license for the period 1-3-1944 to 14-3-1944. In this Criminal case No.180 of 1945 the judgement was delivered on 20-8-1945 and it was ordered that the attached articles were to be returned to the plaintiff.

2. 2The case remained pending without any trial for about more than a year. The summons in this case was - issued on 7-7-1945 fixing the date of hearing for the first time on 13-7-1945. As the attached articles were of speedy decay the Government must have sold the articles immediately and their sale proceeds would have been credited to the criminal deposit amount. There was no dispute as regards the possession and the ownership of the attahhed articles hence they were not required before the court for the identification during the period while the criminal case was pending. The Government authorities neglected in their duty to sell the attached articles at once as their nature -

required the sppedy disposal on account of the negligence of the Government authorities the plaintiff was put to a loss of Rs.438. The Plaintiff gave notice on 6-8-1946 under Section 80 of the Civil Procedure Code of 1908. He did not receive the relief hende this suit to recover Rs.438-0-0 from the Defendant. The cause of action - arose on 20-8-1945 the date of the disposal of the said criminal case.

3. For Court fee the claim is Rs.438 and for the jurisdiction the amount is the same.

4. This suit is against the Provincial - Government of Bombay, hence this suit is triable by the Court only. Hence this court has jurisdiction.

5. The Plaintiffs prayer is as under :-

(A). The amount of Rs.438 be kindly recovered from the defendant with costs and future interest at the rate of Rs.18 percent and given to the Plff.

(B) The Plaintiff may be given permission to amend plaint if need be .

Verification & signature of Plff.

Sd/. B.A.Hiremath.
Pleader, 23-12-1946.

This relates to a proposal to compromise Belgaum Civil Suit No. 488 of 1946. The plaintiff Mr. B. M. Chevadar was a licensee undee the Food Grains Control Order On 14th March 1944 the Inspector of food grains checked the plaintiff's shop and found that the plaintiff had not written accounts from 1-3-1944 to 14-3-1944. He thereupon attached certain quantities of food grains but the actual prosecution under clause (3) of the Food Grain Control Order was launched on 21-6-1945, a year and three months after the attachment of the corn. The plaintiff was convict-ed but the court ordered that the attached property should be returned to him. The order was passed on 20-8-1945. No proper care was taken for the preservation of the corn which was of a [punishable] nature with the result that it deteriorated and was lost. The plaintiff filed this suit claiming Rs. 438 as the value of the perished food grains. His contention that the attachment of this corn was not necessary for the prosecution appears to be correct. Agreeing with the opinion of the District Government Pleader, the Collector recommends that the suit should be compromised. The plaintiff appears to be willing to compro-mise the suit for Rs. 400/- only including costs. The Commissioner S.D., has requested Government to sanction the compromise for Rs. 400/-.

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The proposal may be accepted after u.o.r. to H.D.

25/7/47

A L R Agree. 4/8

B R L A 5/8

L.D. 8515
9-8-47
8214

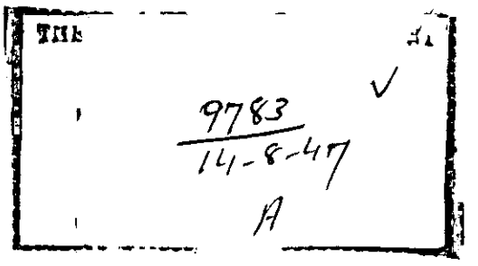
U.O.R. to H.D. No 8200 dated the 9/8/47

P.T.O.

Home Deptt

Seen and returned.

11.8.47.



U.O. to L.D. dt. 12.8.47.

Ex 12

ಸಿ.ಆರ್.ಪಿ. ಕೋಡ್

ಬಿಳಿಕಡೆಯಿಂದ ಕಾಣುವಂತೆ ಕಾಣಿಸಿಕೊಳ್ಳುವ ಪ್ರತಿವಾದಿ —

೧) ಬಸಲಿಂಗಪ್ಪ ಮಲ್ಲಿಕಾರ್ಜುನಪ್ಪ . . . . . ಯಾಳಿ

೨) ಸಿದ್ದಪ್ಪ - - ಯಾಳಿ - - - - - - ಪ್ರೌಢಾದಿ.

ಇವರು ಮೂಲ ವಾದಿ ಪ್ರತಿವಾದಿಗಳು : —

ಸರ್ಕಾರಿ ಸಂಬಂಧದಲ್ಲಿ ಇವರು ಯಾಂಡೆ ಕೆಲಸ ನಡಿಸಲಿಕ್ಕೆ ನಮ್ಮ ಇಲಾಖೆ

ಇವರಿಗೆ ಸರ್ಕಾರ ದಾವಾ ತೆಗೆದು ಡಾಕುವದಾಗಿ ಬರೆಯಲಿ.

Sd/- ಬಸಲಿಂಗಪ್ಪ ಮಲ್ಲಿಕಾರ್ಜುನಪ್ಪ ಬಳಿಕಾರ.

ಯಾಳಿ ನಂ. ೪೭

Sd/- B. A. Hiremath
Pleader.

Government Pleader to have his say —
regarding Govt. costs.

1-8-1947. Sd/- M. S. Bagali
Addl Judge S.D.

D.G.P's letter O.S.488/1946 dt 6-9-47

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Civil Suit No. 488 of 1946.

In the Court of the Civil Judge, Senior Division, Belgaum.

1. Baswant Malleshappa Chavadar, Caste Lingayat, Occ.Trade and agri., 36, of Hanchinal, Tal. Parasgad. ... ... Plaintiff.

Vs.

L.D. KI 10646/10-9-47

1. The Provincial Government .... Defendant.

Claim Rs. 438-0-0.

Herein, the plaintiff states as follows:-

1. The plaintiff was a licensee under the food grain control order, holding a licence No.P/74 issued by the District Magistrate, Belgaum, to deal in food grains in the village of Hanchinal Taluka Parasgad. According to that licence he was dealing in the food grains in the said village. On 14.3.1944, the Price Inspector of the food grains of Parasgad Taluka made a search in the plaintiff's shop and got attached the articles mentioned in he Schedule. The plaintiff was prosecuted for not writing the account in the ledger book under clause 3 of the foo grain licence for the period 1.3.1944 to 14.3.1944. In this criminal case No.180 of 1945 the judgment was delivered on 20.8.1945, and it was ordered that the attached articles were to be returned to the plaintiff.

2. The case remained pending without any trial for about more than a year. The summons in this case was issued on 7.7.1945 fixing the date of hearing for the first time on 13.7.1945. As the attached articles were of speedy decay the Government must have sold the articles immediately and their sale proceeds would have been credited to the Criminal deposit account. There was no dispute as the possession and ownership of the attached articles hence they were not required before the court for the identification during the period while the criminal case was pending. The Government authorities neglected in their duty to sell the attached articles at once as their nature required the speedy disposal. On account of the negligence of the Govt. authorities the plff. was put to a loss of Rs.438/- The plff. gave notice on 7.8.1946 under Sec.80 of the C.P.C. of 1908. He did not receive the relief hence this suit to recover Rs.438-0-0 from the defendant.

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3. The cause of action arose on 20.8.1945 the date of the disposal of the said Criminal Case.

4. For court fee the claim is Rs.438/- and for the jurisdiction the amount is the same.

5. This suit is against the Provindal Govt. of Bombay hence this suit is triable by this co rt only. Hence, this court has jurisdiction.

6. The plff.'s prayer is as under:-

1. The amount of Rs.438/- be kindly recovered from the defendant with costs and future interest at the rate of Rs.12/-per cent and given to the plff.

2. The plff. may be given permission to amend the plaint if necessary.

Belgaum,
6.8.1946. Sd. Baswantappa Malleshappa Chavadar.

Order below ex.1.

Suit dismissed for want of prosecution (Vide exh.12). Plaintiff to bear his own costs and pay the costs of the Government.- Defendant.

Sd.M.S.Bagali.

30.8.1947. C.J. S.D.

Bill of costs.

	Plaintiff.	Deft.
1.Stamp for plaint...	41-4-0	0-0-0.
2. -do-for Vakalat.	0-10-0.	0-0-0.
3. -do-for production of docts.	0-10-0.	3-2-0
4.Pleader's fees.	15-0-0	15-0-0.
Total Rupees..	57-8-0	18-2-0.
Rejected Costs.	0-10-0.	2-8-0.
Total Rupees.	56-14-0	15-10-0.

Given under my hand and the seal of the court, this 30th day of August 1947.
Sd.G.R.Kulkarni.
Karkun.

Sd.B.M.Hiremath.
Pleader for Plff.

Sd.B.V.Jakati.
Dist.Govt.Pleader.

Sd.M.S.Bagali
Civil Judge,S.D.
Belgaum.
4-9-47

S 352.5/47 NIT
9-10-47 NT